

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

The Insurance Company of :
the State of Pennsylvania, :
Plaintiff, :
: :
v. : File No. 2:06 CV 195
: :
Kerrie A. Johnson, Administrator :
of the Estate of Michael W. :
Johnson, :
Defendant. :
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed January 3, 2008. Defendant's objection was filed January 21, 2008.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in part.

It is hereby ordered that the Court certify the question to the Vermont Supreme Court and all other issues raised in

motions are denied without prejudice as premature.

Dated at Burlington, in the District of Vermont, this
31st day of January, 2008.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge
U.S. District Court